

REMARKS

Claims 1-51, 57-85, 123-126, 128-130, 132, 133, 136-142 and 145-149 were pending in this application. Claims 1-51, 123-126, 128-130, 132, 133, 136-142 and 145-149 are hereby cancelled. No claims have been added. Thus, claims 57-85 are subject to continued examination.

Art Rejections:

Remaining independent claim 57 and claims 58-60, 62-67, 69-73, and 75-80 which depend therefrom, were earlier rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4,522,857 to Higgins in view of U.S. patent 5,610,207 to DeSimone et al. Remaining claims 81-85 (which depend from claim 57) were rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4,522,857 to Higgins in view of U.S. patent 5,610,207 to DeSimone et al. and further in view of U.S. Patent 5,540,968 to Higgins. Remaining claims 61-68, and 74 (which depend from claim 57) were rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4,522,857 to Higgins in view of U.S. patent 5,610,207 to DeSimone et al. and further in view of U.S. Patent 5,616,200 to Hamilton. Continued rejection of claim 57 or any claim depending therefrom on the basis of the cited art is respectfully traversed and reconsideration is requested.

As regards each of the remaining claims, the prior Office Action takes the position that it would be obvious to substitute the high density urethane cushion of the carpet tile in Higgins '857 with a rebond material from De Simone et al. Applicants respectfully disagree due to the fact absent a fundamental redesign of the carpet tile in the primary reference so as to eliminate the carrier layer (26), the combination as proposed by the Office Action would not give rise to a construction as claimed in claim 57 or the claims depending therefrom.

Claim 57 and the claims depending therefrom require the adhesive to extend into contacting relation with the upper side of the rebond foam cushion. As can be seen in FIGS. 1 and 2 of the primary reference (Higgins '857), the tile in that reference incorporates a layer 26

referred to as a carrier backing located between the foam and the adhesive. In order to modify the tile disclosed in Higgins '857 in a manner required to achieve contacting and bonding relation between the adhesive and the rebond, the carrier backing (26) would have to be eliminated. That is, the adhesive would have to extend to the rebond foam.

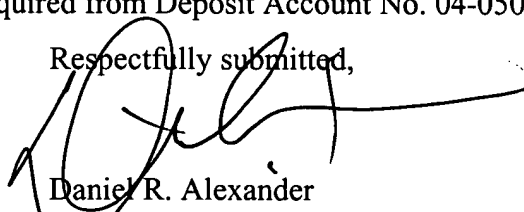
As will be appreciated, upon removal of the carrier backing layer (26), the foam/adhesive interface would have to withstand any applied delaminating force. Moreover, the data from DeSimone indicates that rebond foam is substantially weaker than standard foam. Thus, in order to modify the tile of Higgins '857 to meet the limitations of claim 57, the carrier backing layer would not only have to be eliminated, but the advocated high density foam would also have to be replaced by a much weaker foam material. Applicants respectfully submit that such a dramatic redesign of the tile from the primary reference is outside any reasonable bounds of obviousness. Thus, it is respectfully submitted that the earlier rejection of claim 57 and all claims depending therefrom should be withdrawn at this time.

Extension Request/Authorization to Charge Deposit Account:

A two (2) month extension of time accompanies this Amendment. To any extent required, a request for an extension of time is hereby made. Authorization is provided to deduct the RCE fee and any additional fee as may be required from Deposit Account No. 04-0500.

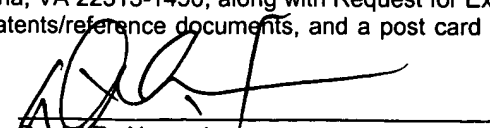
July 23, 2004

Respectfully submitted,

  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent by Express Mail #EV 451231004 US to Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, along with Request for Extension of Time (in duplicate), Information Disclosure Statement with patents/reference documents, and a post card receipt on July 23, 2004.

  
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